

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

**Motion to File Exhibits Under Seal
Granted September 23, 2016
[Dkt. 184]**

DECLARATION OF FELICIA H. ELLSWORTH

I, Felicia H. Ellsworth, hereby state under oath:

1. I am a member in good standing of the bar of the Commonwealth of Massachusetts and this Court, and am a partner at Wilmer Cutler Pickering Hale and Dorr LLP.

I am one of the counsel representing Defendant President and Fellows of Harvard College (Harvard Corporation) (“Harvard”) in the above-captioned matter. I submit this declaration in support of Harvard’s Motion to Dismiss for Lack of Subject Matter Jurisdiction.

2. Attached hereto as Exhibit A is a true and accurate copy of excerpts of the Deposition of Edward J. Blum as Rule 30(b)(6) Designee of Students for Fair Admissions, Inc. (“SFFA”), dated July 12, 2016, and filed under seal.

3. Attached hereto as Exhibit B is a true and accurate copy of a Unanimous Written Consent in Lieu of a Meeting of the Board of Directors of SFFA, dated June 19, 2015, and filed under seal.

4. Attached hereto as Exhibit C is a true and accurate copy of IRS Form 1023 (Application for Recognition of Exemption under Section 501(c)(3)) submitted by SFFA, dated October 8, 2014.

5. Attached hereto as Exhibit D is a true and accurate copy of excerpts of Plaintiff's Supplemental Objections and Responses to Defendants' First Set of Interrogatories, dated July 1, 2016, and filed under seal.

6. Attached hereto as Exhibit E is a true and accurate copy of the Virginia Department of Agriculture and Consumer Services, Office of Charitable and Regulatory Programs, Charitable Organization Remittance Form for SFFA, dated March 8, 2016, and filed under seal.

7. Attached hereto as Exhibit F is a true and accurate copy of the declaration of an individual on whom SFFA claims to base its standing, dated June 21, 2016, and filed under seal.

8. Attached hereto as Exhibit G is a true and accurate copy of excerpts of Plaintiff's Objections and Responses to Defendants' First Set of Interrogatories, dated July 2, 2015, and filed under seal.

9. Attached hereto as Exhibit H is a true and accurate copy of the bylaws of A.C.L.U., Inc., available at https://www.aclu.org/files/pdfs/about/aclu_bylaws.pdf www.aclu.org.

10. Attached hereto as Exhibit I is a true and accurate copy of the bylaws and standing rules of the Sierra Club, dated November 16, 2013, available at <http://www.sierraclub.org/sites/www.sierraclub.org/files/bylaws.pdf>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this day, September 23, 2016.

/s/ Felicia H. Ellsworth

Felicia H. Ellsworth (BBO #665232)

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*Counsel for Defendant President and
Fellows of Harvard College*

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Felicia H. Ellsworth

Felicia H. Ellsworth